

SENATE BILL 578

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11r0306
CF HB 354

By: **Senators Muse, Benson, Colburn, Currie, Edwards, Forehand, Montgomery, Pugh, Raskin, Rosapepe, and ~~Young~~ Young, Dyson, Klausmeier, and Pinsky**

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Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2011

CHAPTER _____

1 AN ACT concerning

2 ~~Health Occupations – Temporary Volunteer Dentist’s License, Temporary~~
3 ~~Volunteer Dental Hygienist’s License, and Temporary Dental Clinic Permit~~
4 State Board of Dental Examiners – Dentists and Dental Hygienists – Licenses,
5 Temporary Volunteer Licenses, and Temporary Dental Clinic Permits

6 FOR the purpose of establishing a temporary volunteer dentist’s license, a temporary
7 volunteer dental hygienist’s license, and a temporary dental clinic permit under
8 the State Board of Dental Examiners; altering a certain qualification for certain
9 dentists and dental hygienists for a certain license to practice dentistry or
10 practice dental hygiene in the State; establishing certain procedures for
11 dentists, dental hygienists, and bona fide charitable organizations to apply for
12 certain licenses and permits; establishing the scope of practice of certain
13 licenses; prohibiting the Board from requiring continuing education as a
14 condition for the issuance of certain licenses; requiring temporary dental clinics
15 to have a medical emergency plan, certain equipment, and certain safeguards;
16 specifying certain powers of the Board; altering certain definitions; defining a
17 certain term; making a stylistic change; and generally relating to ~~the~~
18 ~~establishment of a temporary volunteer dentist’s license, a temporary volunteer~~
19 ~~dental hygienist’s license, and a temporary dental clinic permit~~ the State Board
20 of Dental Examiners and dentist and dental hygienist licenses, temporary
21 volunteer licenses, and temporary dental clinic permits.

22 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Health Occupations
2 Section 4–101, 4–304, 4–306(b), and 4–308
3 Annotated Code of Maryland
4 (2009 Replacement Volume and 2010 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Health Occupations**

8 4–101.

9 (a) In this title the following words have the meanings indicated.

10 (b) “Board” means the State Board of Dental Examiners.

11 (c) “Dental appliance” means any:

12 (1) Oral prosthesis;

13 (2) Orthodontic appliance;

14 (3) Regulatory appliance;

15 (4) Supportive appliance; or

16 (5) Other intraoral appliance or restoration.

17 (d) “Dental hygienist” means an individual, other than a dentist, who
18 practices dental hygiene.

19 (e) “Dental laboratory” means any commercial laboratory or workroom in
20 which a person engages in dental laboratory work.

21 (f) “Dental laboratory work” means making, repairing, or altering a dental
22 appliance extraorally.

23 (g) “Dentist” means an individual who practices dentistry.

24 (h) (1) “License” means, unless the context requires otherwise, a license
25 issued by the Board to:

26 (i) Practice dentistry; or

27 (ii) Practice dental hygiene.

28 (2) “License” includes, unless the context requires otherwise:

- 1 (i) A general license to practice dentistry;
- 2 (ii) A limited license to practice dentistry;
- 3 (iii) A teacher’s license to practice dentistry;
- 4 (iv) A general license to practice dental hygiene;
- 5 (v) A teacher’s license to practice dental hygiene;
- 6 (vi) A retired volunteer dentist’s license to practice dentistry;
- 7 (vii) A retired volunteer dental hygienist’s license to practice
- 8 dental hygiene;
- 9 (viii) A volunteer dentist’s license to practice dentistry; [and]
- 10 (ix) A volunteer dental hygienist’s license to practice dental
- 11 hygiene;

12 (X) A TEMPORARY VOLUNTEER DENTIST’S LICENSE TO
 13 PRACTICE DENTISTRY; AND

14 (XI) A TEMPORARY DENTAL HYGIENIST’S LICENSE TO
 15 PRACTICE DENTAL HYGIENE.

16 (i) (1) “Licensed dental hygienist” means, unless the context requires
 17 otherwise, a dental hygienist who is licensed by the Board to practice dental hygiene.

18 (2) “Licensed dental hygienist” includes, unless the context requires
 19 otherwise, a holder of:

- 20 (i) A general license to practice dental hygiene;
- 21 (ii) A teacher’s license to practice dental hygiene;
- 22 (iii) A retired volunteer dental hygienist’s license to practice
- 23 dental hygiene; [or]
- 24 (iv) A volunteer dental hygienist’s license to practice dental
- 25 hygiene; OR

26 (V) A TEMPORARY VOLUNTEER DENTAL HYGIENIST’S
 27 LICENSE TO PRACTICE DENTAL HYGIENE.

1 (j) (1) “Licensed dentist” means, unless the context requires otherwise, a
2 dentist who is licensed by the Board to practice dentistry.

3 (2) “Licensed dentist” includes, unless the context requires otherwise,
4 a holder of:

5 (i) A general license to practice dentistry;

6 (ii) A limited license to practice dentistry;

7 (iii) A teacher’s license to practice dentistry;

8 (iv) A retired volunteer dentist’s license to practice dentistry;

9 [or]

10 (v) A volunteer dentist’s license to practice dentistry; **OR**

11 **(VI) A TEMPORARY VOLUNTEER DENTIST’S LICENSE TO**
12 **PRACTICE DENTISTRY.**

13 (k) “Practice dental hygiene” means to:

14 (1) Perform a preliminary dental examination;

15 (2) Perform a complete prophylaxis, including the removal of any
16 deposit, accretion, or stain from the surface of a tooth or a restoration;

17 (3) Polish a tooth or a restoration;

18 (4) Chart cavities, restorations, missing teeth, periodontal conditions,
19 and other features observed during preliminary examination, prophylaxis, or
20 polishing;

21 (5) Apply a medicinal agent to a tooth for a prophylactic purpose;

22 (6) Take a dental X ray;

23 (7) Perform a manual curettage in conjunction with scaling and root
24 planing;

25 (8) Administer local anesthesia in accordance with § 4–206.1 of this
26 title; or

27 (9) Perform any other intraoral function that the Board authorizes by
28 a rule or regulation adopted under § 4–206 of this title.

29 (l) “Practice dentistry” means to:

1 (1) Be a manager, a proprietor, or a conductor of or an operator in any
2 place in which a dental service or dental operation is performed intraorally;

3 (2) Perform or attempt to perform any intraoral dental service or
4 intraoral dental operation;

5 (3) Diagnose, treat, or attempt to diagnose or treat any disease, injury,
6 malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a
7 tooth, gum, or jaw if the service, operation, or procedure is included in the curricula of
8 an accredited dental school or in an approved dental residency program of an
9 accredited hospital or teaching institution;

10 (4) Perform or offer to perform dental laboratory work;

11 (5) Place or adjust a dental appliance in a human mouth; or

12 (6) Administer anesthesia for the purposes of dentistry and not as a
13 medical specialty.

14 (m) Except as provided in § [4-308(e)(2)] **4-308(F)(2)** of this title,
15 “supervision” means supervision of a dental hygienist by a dentist, where the dentist
16 may or may not be present when the dental hygienist performs the dental hygiene
17 procedures but is available on the premises.

18 **(N) “TEMPORARY DENTAL CLINIC PERMIT” MEANS, UNLESS THE**
19 **CONTEXT REQUIRES OTHERWISE, A TEMPORARY PERMIT ISSUED BY THE BOARD**
20 **TO A BONA FIDE CHARITABLE ORGANIZATION TO PROVIDE DENTAL SERVICES TO**
21 **THE POOR, ELDERLY, OR DISABLED AT A DENTAL CLINIC.**

22 **[(n)] (O)** “Third party” means any person who collects premiums, assumes
23 financial risks, pays claims, or provides administrative services relating to any:

24 (1) Insurance policy;

25 (2) Insurance contract;

26 (3) Health prepayment contract;

27 (4) Health care plan; or

28 (5) Nonprofit health service plan contract.

29 4-304.

30 (a) To apply for a license, an applicant shall:

1 (1) Submit an application to the Board on the form that the Board
2 requires; and

3 (2) Pay to the Board an application fee set by the Board.

4 (b) In addition to the other requirements of this section, an applicant for a
5 limited license to practice dentistry shall submit to the Board a written request, from
6 the hospital, sanatorium, dental school, or public health program to which the practice
7 is to be limited, that the license be issued.

8 (c) To apply for a retired volunteer dentist's license [or], a volunteer
9 dentist's license, **OR A TEMPORARY VOLUNTEER DENTIST'S LICENSE** to practice
10 dentistry, an applicant:

11 (1) Shall submit an application to the Board on the form that the
12 Board requires; and

13 (2) May not be required to pay an application fee.

14 (d) (1) At least 30 days before the examination, an applicant for a general
15 license to practice dental hygiene shall submit the application to the Board.

16 (2) In addition to the other requirements of this section, an applicant
17 for a license to practice dental hygiene shall submit to the Board:

18 (i) Satisfactory evidence of graduation from a dental hygiene
19 program accredited by the American Dental Association Commission on Dental
20 Accreditation; and

21 (ii) Any other credentials that the Board requires.

22 (e) To apply for a retired volunteer dental hygienist's license [or], a
23 volunteer dental hygienist's license, **OR A TEMPORARY VOLUNTEER DENTAL**
24 **HYGIENIST'S LICENSE** to practice dental hygiene, an applicant:

25 (1) Shall submit an application to the Board on the form that the
26 Board requires; and

27 (2) May not be required to pay an application fee.

28 **(F) TO APPLY FOR A TEMPORARY DENTAL CLINIC PERMIT, AN**
29 **APPLICANT:**

30 **(1) SHALL SUBMIT AN APPLICATION ON THE FORM THAT THE**
31 **BOARD REQUIRES; AND**

32 **(2) MAY NOT BE REQUIRED TO PAY AN APPLICATION FEE.**

1 4-306.

2 (b) (1) (i) A dentist licensed in any other state who has passed a
3 regional board shall be granted a license in this State if the applicant passes the
4 following examinations given by or designated by the Board:

5 1. A comprehensive examination on applied clinical
6 diagnosis and treatment planning; and

7 2. A law examination.

8 (ii) A dentist licensed in any other state who has not passed a
9 regional board shall be granted a license in this State if:

10 1. For the 5 preceding years the dentist has been
11 actively engaged in practicing dentistry FOR AT LEAST 850 HOURS ON AVERAGE
12 PER YEAR; and

13 2. The applicant passes the following examinations
14 given by or designated by the Board:

15 A. A comprehensive examination on applied clinical
16 diagnosis and treatment planning; and

17 B. A law examination.

18 (2) (i) A dental hygienist licensed in any other state who has
19 passed a regional board shall be granted a license in this State if the applicant passes
20 an examination given by the Board.

21 (ii) A dental hygienist licensed in any other state who has not
22 passed a regional board shall be granted a license in this State if:

23 1. For the 3 preceding years the dental hygienist has
24 been actively engaged in practicing dental hygiene FOR AT LEAST 150 HOURS ON
25 AVERAGE PER YEAR; and

26 2. The applicant passes an examination given by or
27 designated by the Board.

28 4-308.

29 (a) A general license to practice dentistry issued under this title authorizes
30 the licensee to practice dentistry while the license is effective.

1 (b) While it is effective, a limited license to practice dentistry issued under
2 this title authorizes the licensee to practice dentistry, including as an intern or a
3 resident:

4 (1) Only for the institution or public health program named on the
5 license; and

6 (2) Only on patients of the institution or public health program named
7 on the license.

8 (c) While it is effective, a retired volunteer dentist's license or a volunteer
9 dentist's license to practice dentistry issued under this title authorizes the licensee to
10 practice dentistry:

11 (1) Only in a dental office, dental clinic, ambulatory care facility, or
12 hospital;

13 (2) Only for an entity providing medical care to the poor, elderly, or
14 [handicapped] **DISABLED** that is operated by:

15 (i) The State or a local government;

16 (ii) A bona fide charitable organization; or

17 (iii) Any other entity authorized under regulations adopted by
18 the Board;

19 (3) If the dentist signs a written statement agreeing to donate at least
20 100 hours of dental services without compensation in a facility that satisfies the
21 requirements of items (1) and (2) of this subsection;

22 (4) If the dentist provides documentation as required by the Board
23 which evidences that the licensee is covered by malpractice insurance; and

24 (5) If the dentist does not otherwise practice dentistry for profit in
25 Maryland.

26 **(D) (1) WHILE IT IS EFFECTIVE, A TEMPORARY VOLUNTEER**
27 **DENTIST'S LICENSE ISSUED UNDER THIS TITLE AUTHORIZES THE LICENSEE TO**
28 **PRACTICE DENTISTRY:**

29 **(I) ONLY IN A TEMPORARY DENTAL CLINIC PROVIDING**
30 **MEDICAL CARE TO THE POOR, ELDERLY, OR DISABLED THAT IS OPERATED BY:**

31 **1. A BONA FIDE CHARITABLE ORGANIZATION;**

32 **2. THE STATE OR A LOCAL GOVERNMENT; OR**

1 **3. A LOCAL HEALTH DEPARTMENT;**

2 **(II) 1. IF THE DENTIST HOLDS A GENERAL LICENSE TO**
3 **PRACTICE DENTISTRY IN ANOTHER STATE THAT PERMITS CLINICAL PRACTICE**
4 **AND THE DENTIST IS NOT SUBJECT TO CLINICAL RESTRICTIONS; AND**

5 **2. THE DENTIST HAS PASSED:**

6 **A. THE NORTH EAST BOARD REGIONAL CLINICAL**
7 **EXAMINATION; OR**

8 **B. HAS SUBMITTED TO THE BOARD A NOTARIZED**
9 **AFFIDAVIT OR OTHER EVIDENCE SATISFACTORY TO THE BOARD INDICATING**
10 **THAT FOR THE 5 YEARS PRECEDING APPLICATION, THE APPLICANT HAS**
11 **ACTIVELY ENGAGED IN PRACTICING DENTISTRY FOR AT LEAST 850 HOURS ON**
12 **AVERAGE PER YEAR;**

13 **(III) IF THE DENTIST HAS FULFILLED ANY REQUIREMENTS**
14 **OF THE BOARD RELATING TO KNOWLEDGE OF THE REGULATIONS ADOPTED BY**
15 **THE BOARD AND THE LAWS CONCERNING THE PRACTICE OF DENTISTRY IN THE**
16 **STATE;**

17 **(IV) IF THE DENTIST PROVIDES A NOTARIZED AFFIDAVIT TO**
18 **THE BOARD AGREEING TO DONATE DENTAL SERVICES WITHOUT**
19 **COMPENSATION FOR A ~~BONA FIDE CHARITABLE ORGANIZATION~~ TEMPORARY**
20 **DENTAL CLINIC THAT SATISFIES THE REQUIREMENTS OF SUBSECTION (I) OF**
21 **THIS SECTION;**

22 **(V) IF THE DENTIST PROVIDES DOCUMENTATION AS**
23 **REQUIRED BY THE BOARD THAT EVIDENCES THAT THE DENTIST IS COVERED BY**
24 **MALPRACTICE INSURANCE;**

25 **(VI) IF THE DENTIST DOES NOT OTHERWISE PRACTICE**
26 **DENTISTRY FOR PROFIT IN THE STATE; AND**

27 **(VII) IF THE DENTIST PROVIDES VERIFICATION OF CURRENT**
28 **CARDIOPULMONARY RESUSCITATION CERTIFICATION.**

29 **(2) A DENTIST WHO HOLDS A TEMPORARY VOLUNTEER DENTIST'S**
30 **LICENSE MAY NOT ADMINISTER, MAINTAIN, OR MONITOR GENERAL ANESTHESIA**
31 **OR SEDATION.**

1 **(3) A DENTIST WHO HOLDS A TEMPORARY VOLUNTEER DENTIST'S**
2 **LICENSE MAY ONLY PROVIDE SERVICES AUTHORIZED UNDER THE MARYLAND**
3 **DENTISTRY ACT AND THE REGULATIONS ADOPTED BY THE BOARD.**

4 **(4) A DENTIST WHO HOLDS A TEMPORARY VOLUNTEER DENTIST'S**
5 **LICENSE OR THE TEMPORARY DENTAL CLINIC IN WHICH THE DENTIST IS**
6 **PROVIDING SERVICES SHALL PROVIDE A FORM TO A PATIENT AT THE**
7 **CONCLUSION OF TREATMENT THAT CONTAINS:**

8 **(I) A SUMMARY OF THE SERVICES THAT WERE PROVIDED**
9 **TO THE PATIENT BY THE DENTIST AND, IF APPLICABLE, THE DENTAL**
10 **HYGIENIST; AND**

11 **(II) INSTRUCTIONS FOR ANY RECOMMENDED FOLLOW-UP**
12 **DENTAL CARE.**

13 **(5) THE BOARD MAY DENY A TEMPORARY VOLUNTEER DENTIST'S**
14 **LICENSE ON THE GROUNDS PROVIDED UNDER § 4-315 OF THIS SUBTITLE.**

15 **(6) A TEMPORARY VOLUNTEER DENTIST'S LICENSE ISSUED TO A**
16 **DENTIST UNDER THIS TITLE SHALL BE ISSUED FOR THE DURATION OF THE**
17 **TEMPORARY DENTAL CLINIC ONLY AND MAY NOT BE RENEWED.**

18 **(7) THE BOARD MAY ISSUE A TEMPORARY VOLUNTEER DENTIST'S**
19 **LICENSE TO A DENTIST WHO PREVIOUSLY HELD A TEMPORARY VOLUNTEER**
20 **DENTIST'S LICENSE IF THE DENTIST APPLIES FOR A NEW LICENSE AND**
21 **SATISFIES THE REQUIREMENTS OF THIS SUBTITLE.**

22 ~~**(7)**~~ **(8) THE BOARD MAY NOT REQUIRE CONTINUING**
23 **EDUCATION AS A CONDITION FOR THE ISSUANCE OF A TEMPORARY VOLUNTEER**
24 **DENTIST'S LICENSE.**

25 **[(d)] (E)** While it is effective, a teacher's license to practice dentistry issued
26 under this title authorizes the licensee to practice dentistry at only the following
27 institutions:

28 (1) The institution named on the license; and

29 (2) Other affiliated institutions as appropriate because of the
30 specialized nature of the services to be performed.

31 **[(e)] (F)** (1) Except as provided in subsection **[(h)] (K)** of this section,
32 while it is effective, a general license to practice dental hygiene issued under this title
33 authorizes the licensee to practice dental hygiene:

- 1 (i) Under the supervision of a licensed dentist who is:
- 2 1. On the premises and available for personal
3 consultation while the services are being performed; or
- 4 2. Not on the premises while authorized dental hygiene
5 services are provided when the requirements of subsection [(i)] (L) of this section have
6 been fully satisfied; and
- 7 (ii) Only in a:
- 8 1. Dental office;
- 9 2. Dental clinic;
- 10 3. Hospital;
- 11 4. School;
- 12 5. Charitable institution; or
- 13 6. Health maintenance organization certified by the
14 State Insurance Commissioner.
- 15 (2) (i) The Board may waive, on a case by case basis only, the
16 supervision requirements of this subsection for:
- 17 1. A dental facility owned and operated by the federal,
18 the State, or a local government;
- 19 2. A health facility licensed by the Department of Health
20 and Mental Hygiene;
- 21 3. A facility providing medical care to the poor, elderly,
22 or handicapped that is owned and operated by:
- 23 A. The State or a local government; or
- 24 B. A bona fide charitable organization; or
- 25 4. Any other setting authorized under regulations
26 adopted by the Board.
- 27 (ii) A waiver is not required to practice dental hygiene under
28 general supervision in accordance with subsection [(h)] (K) of this section.

1 (3) The Board may grant a waiver under paragraph (2) of this
2 subsection if:

3 (i) The facility requesting the waiver has submitted a written
4 application;

5 (ii) The facility requesting the waiver has submitted a medical
6 emergency plan of action at the time of application; and

7 (iii) The Board finds that:

8 1. Good cause exists to justify the granting of the waiver;

9 2. Adequate facilities and equipment, including portable
10 equipment where appropriate and appropriate armamentarium, are available for the
11 appropriate delivery of dental hygiene services; and

12 3. Adequate safeguards are present to protect the
13 patient's health and safety.

14 (4) (i) The Board, upon written request or its own motion, may
15 conduct a public informational meeting on any waiver application.

16 (ii) The Board shall maintain records of all waiver applications
17 and the criteria and basis for its action on each application.

18 (iii) The Board shall have the power to inspect or review any
19 facility, location, person, or entity applying for, covered by, or acting under a waiver.

20 (5) (i) Except as provided under subparagraph (ii) of this
21 paragraph, the Board shall accept or deny a waiver under paragraph (2) of this
22 subsection within 60 calendar days of the receipt of the application for the waiver or it
23 shall be deemed to have been accepted.

24 (ii) If extraordinary circumstances exist, the Board shall accept
25 or deny a waiver under paragraph (2) of this subsection within 90 calendar days of the
26 receipt of the application for the waiver or it shall be deemed to have been accepted.

27 (6) Any changes in the procedures or personnel of a facility with a
28 waiver granted under this subsection shall be reported to the Board within 15
29 business days after the change.

30 **[(f)] (G)** While it is effective, a retired volunteer dental hygienist's license
31 or a volunteer hygienist's license to practice dental hygiene issued under this title
32 authorizes the licensee to practice dental hygiene:

1 (1) Only in a dental office, dental clinic, ambulatory care facility, or
 2 hospital;

3 (2) Only for an entity providing medical care to the poor, elderly, or
 4 handicapped that is operated by:

5 (i) The State or a local government;

6 (ii) A bona fide charitable organization; or

7 (iii) Any other entity authorized under regulations adopted by
 8 the Board;

9 (3) If the dental hygienist signs a written statement agreeing to
 10 donate at least 100 hours of dental hygiene services without compensation in a facility
 11 that satisfies the requirements of items (1) and (2) of this subsection;

12 (4) If the dental hygienist provides documentation as required by the
 13 Board which evidences that the licensee is covered by malpractice insurance; and

14 (5) If the dental hygienist does not otherwise practice dental hygiene
 15 for profit in Maryland.

16 **(H) (1) WHILE IT IS EFFECTIVE, A TEMPORARY VOLUNTEER DENTAL**
 17 **HYGIENIST’S LICENSE ISSUED UNDER THIS TITLE AUTHORIZES THE LICENSEE**
 18 **TO PRACTICE DENTAL HYGIENE:**

19 **(I) ONLY IN A TEMPORARY DENTAL CLINIC PROVIDING**
 20 **MEDICAL CARE TO THE POOR, ELDERLY, OR DISABLED THAT IS OPERATED BY:**

21 **1. A BONA FIDE CHARITABLE ORGANIZATION;**

22 **2. THE STATE OR A LOCAL GOVERNMENT; OR**

23 **3. A LOCAL HEALTH DEPARTMENT;**

24 **(II) IF THE DENTAL HYGIENIST HOLDS A GENERAL LICENSE**
 25 **TO PRACTICE DENTAL HYGIENE IN ANOTHER STATE THAT PERMITS CLINICAL**
 26 **PRACTICE AND THE DENTAL HYGIENIST IS NOT SUBJECT TO CLINICAL**
 27 **RESTRICTIONS;**

28 **(III) IN ADDITION TO HOLDING A GENERAL LICENSE TO**
 29 **PRACTICE DENTAL HYGIENE, IF THE DENTAL HYGIENIST:**

1 1. **PROVIDES DOCUMENTATION AS REQUIRED BY**
2 **THE BOARD WHICH EVIDENCES THAT THE DENTAL HYGIENIST PASSED THE**
3 **NORTH EAST REGIONAL CLINICAL EXAMINATION; OR**

4 2. **SUBMITS TO THE BOARD A NOTARIZED AFFIDAVIT**
5 **OR OTHER EVIDENCE SATISFACTORY TO THE BOARD INDICATING THAT FOR THE**
6 **3 YEARS PRECEDING APPLICATION, THE DENTAL HYGIENIST HAS ACTIVELY**
7 **ENGAGED IN PRACTICING DENTAL HYGIENE FOR AT LEAST 150 HOURS ON**
8 **AVERAGE PER YEAR;**

9 (IV) **IF THE DENTAL HYGIENIST HAS FULFILLED ANY**
10 **REQUIREMENTS OF THE BOARD RELATED TO KNOWLEDGE OF THE LAWS AND**
11 **REGULATIONS GOVERNING THE PRACTICE OF DENTAL HYGIENE IN THE STATE;**

12 (V) **IF THE DENTAL HYGIENIST PROVIDES A NOTARIZED**
13 **AFFIDAVIT TO THE BOARD AGREEING TO DONATE DENTAL HYGIENE SERVICES**
14 **WITHOUT COMPENSATION FOR A ~~BONA FIDE CHARITABLE ORGANIZATION~~**
15 **TEMPORARY DENTAL CLINIC THAT SATISFIES THE REQUIREMENTS OF**
16 **SUBSECTION (I) OF THIS SECTION;**

17 (VI) **IF THE DENTAL HYGIENIST PROVIDES DOCUMENTATION**
18 **AS REQUIRED BY THE BOARD EVIDENCING THAT THE DENTAL HYGIENIST IS**
19 **COVERED BY MALPRACTICE INSURANCE;**

20 (VII) **IF THE DENTAL HYGIENIST DOES NOT OTHERWISE**
21 **PRACTICE DENTAL HYGIENE FOR PROFIT IN THE STATE; AND**

22 (VIII) **IF THE DENTAL HYGIENIST PROVIDES VERIFICATION OF**
23 **CURRENT CARDIOPULMONARY RESUSCITATION CERTIFICATION.**

24 (2) **A DENTAL HYGIENIST WHO HOLDS A TEMPORARY VOLUNTEER**
25 **DENTAL HYGIENIST’S LICENSE MAY ONLY PROVIDE SERVICES AUTHORIZED**
26 **UNDER THE MARYLAND DENTISTRY ACT AND THE REGULATIONS ADOPTED BY**
27 **THE BOARD.**

28 (3) **A DENTAL HYGIENIST WHO HOLDS A TEMPORARY VOLUNTEER**
29 **DENTAL HYGIENIST’S LICENSE MAY NOT:**

30 (I) **ADMINISTER LOCAL ANESTHESIA; OR**

31 (II) **ADMINISTER, MAINTAIN, OR MONITOR NITROUS OXIDE**
32 **OXYGEN.**

33 (4) **WHILE IT IS EFFECTIVE, A TEMPORARY VOLUNTEER DENTAL**
34 **HYGIENIST’S LICENSE ISSUED UNDER THIS TITLE AUTHORIZES THE LICENSEE**

1 TO PRACTICE DENTAL HYGIENE UNDER THE GENERAL SUPERVISION OF A
2 DENTIST WHO:

3 (I) IS ON THE PREMISES;

4 (II) EXAMINES THE PATIENT AT ANY TIME DURING THE
5 TREATMENT; AND

6 (III) IS AVAILABLE FOR PERSONAL CONSULTATION WHILE
7 THE SERVICES ARE BEING PERFORMED.

8 (5) A DENTAL HYGIENIST MAY PERFORM AN ASSESSMENT OF
9 DENTAL NEEDS AND PROVIDE DENTAL HYGIENE SERVICES PRIOR TO AN
10 EXAMINATION BY A SUPERVISING DENTIST.

11 (6) THIS SUBSECTION MAY NOT BE CONSTRUED TO:

12 (I) REQUIRE A PRELIMINARY DENTAL EXAMINATION OR
13 TREATMENT BY A DENTAL HYGIENIST; OR

14 (II) PROHIBIT A SUPERVISING DENTIST FROM EITHER
15 EXAMINING A PATIENT OR PROVIDING TREATMENT TO A PATIENT PRIOR TO
16 TREATMENT BY A DENTAL HYGIENIST.

17 (7) THE BOARD MAY DENY A TEMPORARY VOLUNTEER LICENSE
18 TO PRACTICE DENTAL HYGIENE ON THE GROUNDS PROVIDED UNDER § 4-315 OF
19 THIS SUBTITLE.

20 (8) A TEMPORARY VOLUNTEER DENTAL HYGIENIST'S LICENSE
21 ISSUED TO A DENTAL HYGIENIST UNDER THIS SECTION SHALL BE ISSUED FOR
22 THE DURATION OF THE TEMPORARY DENTAL CLINIC ONLY AND MAY NOT BE
23 RENEWED.

24 (9) THE BOARD MAY ISSUE A TEMPORARY VOLUNTEER DENTAL
25 HYGIENIST'S LICENSE TO A DENTAL HYGIENIST WHO PREVIOUSLY HELD A
26 TEMPORARY VOLUNTEER DENTAL HYGIENIST'S LICENSE IF THE DENTAL
27 HYGIENIST APPLIES FOR A NEW LICENSE AND SATISFIES THE REQUIREMENTS
28 OF THIS SUBTITLE.

29 ~~(9)~~ (10) THE BOARD MAY NOT REQUIRE CONTINUING
30 EDUCATION AS A CONDITION FOR THE ISSUANCE OF A TEMPORARY VOLUNTEER
31 DENTAL HYGIENIST'S LICENSE.

32 (I) (1) WHILE IT IS EFFECTIVE, A TEMPORARY DENTAL CLINIC
33 PERMIT ISSUED TO A BONA FIDE CHARITABLE ORGANIZATION UNDER THIS

1 TITLE AUTHORIZES THE PERMIT HOLDER TO UTILIZE HOLDERS OF A
2 TEMPORARY VOLUNTEER DENTIST'S LICENSE OR A TEMPORARY VOLUNTEER
3 DENTAL HYGIENIST'S LICENSE TO PROVIDE DENTAL SERVICES TO THE POOR,
4 ELDERLY, OR DISABLED AT A TEMPORARY DENTAL CLINIC THAT IS OPERATED
5 BY THE BONA FIDE CHARITABLE ORGANIZATION.

6 (2) THE BOARD SHALL ISSUE A TEMPORARY DENTAL CLINIC
7 PERMIT TO A BONA FIDE CHARITABLE ORGANIZATION THAT MEETS THE
8 REQUIREMENTS OF THIS SUBSECTION.

9 (3) A TEMPORARY DENTAL CLINIC PERMIT ISSUED TO A BONA
10 FIDE CHARITABLE ORGANIZATION UNDER THIS TITLE SHALL BE ISSUED FOR
11 THE DURATION OF THE DENTAL CLINIC ONLY AND MAY NOT BE RENEWED.

12 (4) THE BOARD MAY ISSUE A TEMPORARY DENTAL CLINIC
13 PERMIT TO A BONA FIDE CHARITABLE ORGANIZATION THAT PREVIOUSLY HELD
14 A TEMPORARY DENTAL CLINIC PERMIT IF THE BONA FIDE CHARITABLE
15 ORGANIZATION APPLIES FOR A NEW PERMIT AND SATISFIES THE
16 REQUIREMENTS OF THIS SUBTITLE.

17 ~~(5)~~ (5) A BONA FIDE CHARITABLE ORGANIZATION THAT
18 CONDUCTS A TEMPORARY DENTAL CLINIC UNDER THIS TITLE MAY NOT BE
19 CONSTRUED TO BE PRACTICING DENTISTRY AS DEFINED IN § 4-101 OF THIS
20 TITLE.

21 ~~(5)~~ (6) (I) THE STATE, A LOCAL GOVERNMENT, OR A LOCAL
22 HEALTH DEPARTMENT THAT PROVIDES DENTAL SERVICES TO THE POOR,
23 ELDERLY, OR DISABLED:

24 1. MAY NOT BE REQUIRED BY THE BOARD TO SEEK
25 AUTHORIZATION UNDER THIS TITLE TO PROVIDE THE SERVICES; AND

26 2. SHALL PROVIDE WRITTEN NOTICE TO THE BOARD
27 OF ITS INTENTION TO PROVIDE DENTAL SERVICES TO THE POOR, ELDERLY, OR
28 DISABLED AT LEAST 60 DAYS PRIOR TO THE DATE THE SERVICES ARE TO BE
29 PROVIDED.

30 (II) A HOLDER OF AN OUT-OF-STATE LICENSE TO PRACTICE
31 DENTISTRY OR DENTAL HYGIENE WHO WOULD LIKE TO PROVIDE DENTAL
32 SERVICES SPONSORED BY THE STATE, A LOCAL GOVERNMENT, OR A LOCAL
33 HEALTH DEPARTMENT SHALL OBTAIN A TEMPORARY VOLUNTEER DENTIST'S
34 LICENSE OR TEMPORARY VOLUNTEER DENTAL HYGIENIST'S LICENSE AS
35 PROVIDED IN THIS TITLE BEFORE PROVIDING THE DENTAL SERVICES.

1 ~~(6)~~ **(7)** A HOLDER OF A TEMPORARY DENTAL CLINIC PERMIT
2 SHALL HAVE:

3 **(I)** A MEDICAL EMERGENCY PLAN;

4 **(II)** ADEQUATE EQUIPMENT, INCLUDING PORTABLE
5 EQUIPMENT WHERE APPROPRIATE, AND APPROPRIATE ARMAMENTARIUM
6 AVAILABLE FOR THE APPROPRIATE DELIVERY OF DENTAL SERVICES; AND

7 **(III)** ADEQUATE SAFEGUARDS TO PROTECT THE HEALTH AND
8 SAFETY OF PATIENTS.

9 ~~(7)~~ **(8)** THE BOARD MAY:

10 **(I)** ENTER AND INSPECT A TEMPORARY DENTAL CLINIC IN
11 ORDER TO CARRY OUT A DUTY UNDER THIS TITLE; AND

12 **(II)** CONDUCT AN INVESTIGATION OF A TEMPORARY
13 DENTAL CLINIC OR A HOLDER OF A TEMPORARY VOLUNTEER DENTIST'S
14 LICENSE OR A TEMPORARY VOLUNTEER DENTAL HYGIENIST'S LICENSE
15 PROVIDING DENTAL SERVICES AT THE TEMPORARY DENTAL CLINIC.

16 **[(g)] (J)** While it is effective, a teacher's license to practice dental hygiene
17 issued under this title authorizes the licensee to:

18 (1) Teach dental hygiene only at the institution named on the license;
19 and

20 (2) Practice dental hygiene under the general supervision of a licensed
21 dentist with the institution named on the license.

22 **[(h)] (K)** (1) (i) In this subsection the following words have the
23 meanings indicated.

24 (ii) "Contractual employee" means a dental hygienist who has
25 an annual contract to practice dental hygiene an average of at least 8 hours per week
26 in a facility specified under paragraph (3)(i) of this subsection.

27 (iii) "Facility" includes a program operated within a facility that
28 is specified under paragraph (3)(i) of this subsection.

29 (iv) "Federally qualified health center" has the meaning stated
30 in 42 U.S.C. § 254b(a).

31 (v) "Federally qualified health center look-alike" has the
32 meaning stated in 42 U.S.C. § 1396d(l)(2)(B).

1 (vi) "General supervision" means supervision of a dental
2 hygienist by a dentist, where the dentist may or may not be present when the dental
3 hygienist performs the dental hygiene procedures.

4 (2) (i) While effective, a general license to practice dental hygiene
5 issued under this title authorizes the licensee to practice dental hygiene and apply
6 sealants or fluoride agents such as professional topical fluoride treatments, mouth
7 rinse, or varnish:

8 1. Under general supervision in accordance with this
9 subsection; and

10 2. In a facility specified under paragraph (3)(i) of this
11 subsection that complies with the requirements of this subsection.

12 (ii) This subsection may not be construed to:

13 1. Authorize a dental hygienist to practice dental
14 hygiene independent of a supervising dentist;

15 2. Prohibit a dentist from being available for personal
16 consultation or on the premises where a dental hygienist is practicing; or

17 3. Require a waiver under subsection [(e)] (F) of this
18 section.

19 (3) (i) While it is effective, a general license to practice dental
20 hygiene issued under this title authorizes the licensee to practice dental hygiene under
21 general supervision in:

22 1. A dental facility owned and operated by the federal,
23 the State, or a local government;

24 2. A public health department or public school of the
25 State or a county;

26 3. A facility in which a program licensed by the
27 Department is operating;

28 4. A facility owned and operated by the Department of
29 Juvenile Services;

30 5. A facility owned and operated by the State or a local
31 government that provides medical care to the poor, elderly, or handicapped;

- 1 1. A medical emergency plan;
- 2 2. Adequate equipment, including portable equipment
3 where appropriate and appropriate armamentarium, available for the appropriate
4 delivery of dental hygiene services; and
- 5 3. Adequate safeguards to protect the patient's health
6 and safety;

7 (iv) A recall patient who has been examined by a dental
8 hygienist practicing under the general supervision of a licensed dentist will be
9 scheduled for an oral examination every 6 months, or as otherwise recommended by
10 the supervising dentist;

11 (v) A dental hygienist practicing under the general supervision
12 of a licensed dentist ascertains before treating a recall patient that there has been no
13 change in the patient's medical history;

14 (vi) A dental hygienist consults with the supervising dentist, the
15 patient's dentist, or a treating physician before proceeding with treatment if there is a
16 change in the patient's medical history;

17 (vii) Adequate facilities and equipment are available for the
18 delivery of dental hygiene services other than fluoride rinse programs; and

19 (viii) Reports to the Board any changes in the status of the
20 facility's general supervision, any supervising dentist, or any dental hygienist within
21 30 days after the change.

22 **[(i)] (L)** (1) In this subsection, "private dental office" means a dental
23 office owned and operated by:

24 (i) A licensed dentist; or

25 (ii) A professional corporation, partnership, limited liability
26 company, or limited liability partnership owned and controlled by a licensed dentist.

27 (2) While it is effective, a general license to practice dental hygiene
28 issued under this title authorizes the licensee to practice dental hygiene under the
29 general supervision of a licensed dentist in a private dental office.

30 (3) A private dental office in which a dental hygienist is authorized to
31 practice under the general supervision of a licensed dentist shall ensure that:

32 (i) The supervising dentist holds an active license to practice
33 dentistry in this State;

1 (5) A supervising dentist may not employ more than two dental
2 hygienists to work under the dentist's general supervision at any given time.

3 **[(j)] (M)** (1) (i) In this subsection the following words have the
4 meanings indicated.

5 (ii) "Assisted living program" has the meaning stated in §
6 19-1801 of the Health – General Article.

7 (iii) "General supervision" means supervision of a dental
8 hygienist by a dentist, where the dentist may or may not be present when the dental
9 hygienist performs the dental hygiene procedures.

10 (iv) "Long-term care facility" means:

- 11 1. A nursing home; or
12 2. An assisted living program.

13 (v) "Nursing home" has the meaning stated in §
14 19-1401 of the Health – General Article.

15 (2) (i) While it is effective, a general license to practice dental
16 hygiene issued under this title authorizes the licensee to practice dental hygiene under
17 the general supervision of a licensed dentist in a long-term care facility in accordance
18 with this subsection.

19 (ii) This subsection may not be construed to:

20 1. Authorize a dental hygienist to practice dental
21 hygiene independent of a supervising dentist;

22 2. Prohibit a dentist from being available for personal
23 consultation or on the premises where a dental hygienist is practicing;

24 3. Prohibit a dental hygienist, without the supervision of
25 a dentist, from performing a preliminary dental examination with subsequent referral
26 to a dentist; or

27 4. Require a waiver under subsection **[(e)] (F)** of this
28 section.

29 (3) Before a dental hygienist is authorized to practice dental hygiene
30 under general supervision in a long-term care facility in accordance with this
31 subsection, the dental hygienist shall:

1 (i) Hold an active license to practice dental hygiene in the
2 State;

3 (ii) Hold a current certificate evidencing health provider level C
4 proficiency, or its equivalent, in cardiopulmonary resuscitation;

5 (iii) Have at least 2 years of active clinical practice in direct
6 patient care; and

7 (iv) Ensure that the long-term care facility where the dental
8 hygienist will practice under general supervision has:

9 1. A written medical emergency plan in place;

10 2. Adequate equipment, including portable equipment
11 and appropriate armamentarium, available for the appropriate delivery of dental
12 hygiene services; and

13 3. Adequate safeguards to protect the patient's health
14 and safety.

15 (4) Before a dental hygienist is authorized to practice dental hygiene
16 under general supervision in a long-term care facility in accordance with this
17 subsection, the supervising dentist shall:

18 (i) Hold an active general license to practice dentistry in the
19 State;

20 (ii) Hold a current certificate evidencing health provider level C
21 proficiency, or its equivalent, in cardiopulmonary resuscitation; and

22 (iii) Have at least 2 years of active clinical practice in direct
23 patient care.

24 (5) A dental hygienist practicing under the general supervision of a
25 licensed dentist in a long-term care facility and performing an authorized dental
26 hygiene service for a patient's initial appointment shall:

27 (i) Have a written agreement between the supervising dentist
28 and the dental hygienist that clearly sets forth the terms and conditions under which
29 the dental hygienist may practice, including a statement that the dental hygienist
30 may provide dental hygiene services without the supervising dentist on the premises;

31 (ii) Ensure that the supervising dentist is available for
32 consultation with the dental hygienist:

33 1. In person;

